

NOTICE OF PROPOSED ACTION

Department of Child Support Services

R-23-02-E

Director Qualifications

Proposed Permanent Regulations

NOTICE IS HEREBY GIVEN that the Department of Child Support Services (DCSS) has adopted these regulations on an emergency basis effective August 14, 2002; and now proposes to adopt them as permanent regulations amending Division 13 of Title 22 of the California Code of Regulations commencing with Section 111560. These regulations establish director qualifications.

Informative Digest/Policy Statement Overview:

Family Code Section 17304(f) requires the DCSS to establish qualifications for the administrator of each local child support agency. An administrator meeting those qualifications shall be selected by the board of supervisors of the county or, in the case of a city and county, selected by the mayor. Section 17304(a) gives the DCSS the authority to regionalize local child support agencies, in consultation with counties, where appropriate.

These regulations interpret, implement and make specific Section 17304, by: 1) identifying the appointing power for the administrator, whether employed by a county, city and county, or regionalized agency; 2) setting forth minimum qualifications, including educational criteria, employment background, and skill sets, necessary to meet the demands of the position.

Chapter 1. Program Administration.

Subchapter 1. Operations.

Article 7. Staff Requirements.

Section 111560. Director Qualifications.

This section has been adopted to specify the qualification requirements and employment criteria for the administrator (Title IV-D director) of a local child support agency.

This regulation is also consistent with Family Support Division Letter No. 00-06, "Local Agency Transition – Administrator Appointments." For clarity and consistency, the Department has established the title of director for the party who oversees the administration of a local child support agency.

Authority: Sections 17306, 17310 & 17312, Family Code.

Reference: Section 17304, Family Code.

Public Comment Period:

Written public comments presenting statements, arguments, or contentions relating to the text of the proposed regulations will be accepted for a period of forty-five (45) days beginning on October 4, 2002 and ending at 5 p.m. on November 18, 2002. Public comments will be accepted by any of the following means:

1. Mailed to:
Dept. of Child Support Services
Attn: Regulations Coordinator
P.O. Box 419064
Rancho Cordova, CA 95741-9064
2. Faxed to:
Dept of Child Support Services
Attn: Regulations Coordinator
(916) 464-5069
3. E-mailed to the Regulations Coordinator:
Lucila.Ledesma@dcss.ca.gov

Public Hearing:

No public hearing is scheduled. Pursuant to the provisions of Government Code Section 11346.8, any interested party may request that a public hearing be scheduled. The request must be in writing and received at the above addresses for the DCSS Regulations Coordinator no later than fifteen (15) days prior to the close of the public comment period.

Contacts

Copies of documents and general information regarding this rulemaking may be secured by contacting Lucila Ledesma the Regulations Coordinator at 916-464-5087.

In case you are unable to reach the Regulations Coordinator, the DCSS alternative contact person for general information about this rulemaking is Donna Hershkowitz at 916-464-5181.

If you have a substantive question regarding the content of this rulemaking, you may contact Tonya Crawford-Comage, Supervisor of the Financial Management Policy Section at 916-464-5055.

How to Get Copies of Rulemaking Documents:

Copies of the full text of the proposed regulations, an initial statement of reasons, and all information on which this rulemaking is based may be secured from the DCSS Regulations Coordinator at the above addresses. Some of these documents are also available on the Department's public website at www.childsup.cahwnet.gov/.

The full text of a regulation changed pursuant to Government Code Section 11346.8 will be available for at least fifteen (15) days prior to the date on which DCSS adopts the resulting regulation. During that period, it may also be secured from the DCSS Regulations Coordinator at the above addresses.

Once the final statement of reasons becomes available it may also be secured from the contact persons identified above.

Impact on Individuals and Businesses:

The Department is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. These regulations impact the local child support agencies only.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would not affect small business. Small business would not be required to comply with or enforce these regulations nor are they expected to incur either benefits or detriments from them.

Local Mandate:

The Department has determined that the regulations would not impose a mandate on local agencies or school districts.

Fiscal Impacts:

- A. Fiscal Effect on Local Government: None.
- B. Cost or Savings to Any State Agency: None.
- C. Cost or Savings in Federal Funding to the State: None.
- D. Other Nondiscretionary Costs or Savings Imposed on Local Agencies: None.

Impact on Housing Costs:

The Department has determined that these regulations will have no impact on housing costs.

Consideration of Alternatives:

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which these regulations are being implemented or would be as effective and less burdensome to affected private persons than these regulations.

(1) Adopt Article 7, Section 111560 to read as follows:

Chapter 1. Program Administration.

Subchapter 1. Operations.

Article 7. Staff Requirements.

Section 111560. Director Qualifications.

(a) Each local child support agency shall have a director who oversees the administration of the agency.

(b) The director shall be an employee of the county selected by the board of supervisors, or in the case of a city and county, selected by the mayor, or in the case of a regionalized agency, selected in accordance with the instrument, agreement, or other document governing the operation and organization of the regionalized agency.

(c) The director shall possess the equivalent to a bachelor's degree from an accredited college or university in business or public administration, psychology/sociology or related disciplines, or four years experience performing duties in a public agency of which two years were in a senior level administrative or management position.

(d) When considering a director appointment, the appointing authority as specified in subsection (b) shall also consider the following knowledge and abilities:

(1) Knowledge of government programs at the federal, state, or local level.

(2) Ability to direct and administer the local child support agency to assure its effective and efficient operation.

(3) Ability to work cooperatively with diverse interest groups, including advocacy groups, governmental organizations, and private entities.

(4) Knowledge of the applicable state and federal laws, rules and regulations relative to a child support program.

(5) Knowledge of applicable federal and state civil and criminal laws and regulations applicable to the delivery of child support services.

(6) Knowledge of the practices and procedures of the local courts relative to a child support program.

(7) Ability to carry out the county's personnel management program.

(8) Ability to direct and administer the county local child support agency activities to assure compliance with applicable state and federal laws, regulations and policies.

NOTE: Authority cited: Sections 17306, 17310, and 17312, Family Code.
Reference: Section 17304, Family Code.

INITIAL STATEMENT OF REASONS

Recently enacted legislation, Assembly Bill (AB) 196, (Chapter 478, Statutes of 1999), and Senate Bill (SB) 542, (Chapter 480, Statutes of 1999), created the new Department of Child Support Services (Department) within the California Health and Human Services Agency to administer all services and perform all functions necessary to establish, collect and distribute child support in the State of California. This legislation also designated the Department as the single state organizational unit that has the duty to administer the Title IV-D state plan for securing child and spousal support, medical support, and determining paternity.

Prior to enactment of AB 196 and SB 542, the Department of Social Services (DSS) had statutory responsibility for these services, functions, and duties. DSS utilized regulations contained in its Manual of Policies and Procedures (MPP), which is incorporated by reference into Title 22, California Code of Regulations (CCR), to administer the child support program. In addition to the MPP, DSS utilized policy letters to clarify its regulations and those of the federal Office of Child Support Enforcement. Section 17310, Family Code (FC), specifies that DSS' regulations are to remain in effect and be fully enforceable by the Department, and permits the Department to readopt, amend, or repeal DSS' regulations as necessary and appropriate.

Section 17306(b), FC, requires the Director of the Department to develop uniform forms, policies and procedures to be employed statewide by all local child support agencies. This statute also provides the authority to adopt the regulations on an emergency basis until January 1, 2003. These emergency regulations are necessary to comply with Section 17306, FC.

In accordance with Section 17306(d), FC, the Department consulted with the California Family Support Council, the California State Association of Counties, labor organizations, custodial and noncustodial parent advocates, child support commissioners, family law facilitators, and committees of the Legislature in developing the policies that are reflected in these emergency regulations.

These regulations interpret, implement and make specific Section 17304, by: 1) identifying the appointing power for the administrator, whether employed by a county, city and county, or regionalized agency; 2) setting forth minimum qualifications, including educational criteria, employment background, and skill sets, necessary to meet the demands of the position.

Chapter 1. Program Administration.

Subchapter 1. Operations.

Article 7. Staff Requirements.

Article 7 has been adopted and entitled “Staff Requirements” to designate the article within Chapter 1 that contains general administrative requirements applicable to this Chapter.

Section 111560. Director Qualifications.

This section has been adopted to specify the qualification requirements and employment criteria for the administrator (Title IV-D director) of a local child support agency. In developing the list of qualifications for these regulations, the Department considered the duty statements of the Department’s Director, Chief Deputy Director, and Deputy Directors. The qualifications were purposely left fairly general to avoid disqualifying existing administrators and to minimize the disruption in the transition from District Attorney’s Offices to local child support agencies. Given the various county demographics, the Department developed regulations to balance being responsible in requiring some knowledge of the program with being reasonable as to what is feasible for all of the counties. This regulation is also consistent with Family Support Division Letter No. 00-06, “Local Agency Transition – Administrator Appointments.” For clarity and consistency, the Department has established the title of director for the party who oversees the administration of a local child support agency.

Subsection (a) has been adopted to implement the requirement that each local child support agency shall have a director who oversees the child support activities required by the law and regulation prescribed by the Department. This subsection is necessary to implement Family Code, Section 17304(b).

Subsection (b) has been adopted to specify the appointing authority for the director of a local child support agency. This subsection duplicates the statutory provision that the director be an employee of the county selected by the board of supervisors, or in the case of a city and county, selected by the mayor. This subsection further implements subdivision (f) of Section 17304, Family Code, by identifying that for regionalized local child support agencies, the director shall be selected in accordance with the instrument, agreement, or other document governing the operation and organization of the regionalized agency. This subsection is necessary to interpret and implement Family Code, Section 17304 (a), (e) and (f).

Subsections (c) and (d) have been adopted to identify qualification requirements for the director of a local child support agency. The required qualifications are intended to ensure that the appointed director has the necessary experience, skills, and knowledge to effectively operate a local child support agency. These subsections are necessary to implement Family Code 17304 (f).

Documents Relied Upon:

The Department relied upon the following Family Support Division Letter:

- FSD Letter No. 00-06, "Local Agency Transition – Administrator Appointments," dated April 18, 2000.

STATE OF CALIFORNIA

ECONOMIC AND FISCAL IMPACT STATEMENT**(REGULATIONS AND ORDERS)**

See SAM Sections 6600-6680 for Instructions and Code Citations

STD. 399 (Rev. 2-98)

Department Name Child Support Services	Contact Person Tonya Crawford-Comage Gary Fujii-Budget	Telephone Number (916) 464-5224 (916) 464-5177
Descriptive Title From Notice Register or Form 400 Chapter 1 Program Administration: Operations, Staff Requirements, Director Qualifications		Notice File Number

ECONOMIC IMPACT STATEMENT**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** *(Include calculations and assumptions in the rulemaking file.)*

1. Check the appropriate box(es) below to indicate whether this regulation:

- ☐ a. Impacts businesses and/or employees ☐ e. Imposes reporting requirements
☐ b. Impacts small businesses ☐ f. Imposes prescriptive instead of performance standards
☐ c. Impacts jobs or occupations ☐ g. Impacts individuals
☐ d. Impacts California competitiveness ☒ h. None of the above (Explain below. Complete for Fiscal Impact Statement as appropriate).

h. (cont.)

These regulations interpret, implement and make specific existing state law related to the qualification requirements and employment criteria for the director of a local child support agency and will not result in any increase or decrease in the level of services currently provided, or activities currently performed, by the local child support agencies, nor do they place additional requirements on persons who avail themselves of the services provided under California's Child Support Services Program.

2. Enter the total number of businesses impacted:

Describe the types of businesses (include nonprofits):

Enter the number or percentage of total businesses impacted that are small businesses:

3. Enter the number of businesses that will be created: eliminated:

Explain:

4. Indicate the geographic extent of impacts: ☐ Statewide ☐ Local or regional (list areas)

5. Enter the number of jobs created: ___ or eliminated: ___ Describe the types of jobs or occupations impacted: ___.
6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ Yes ☐ No

B. ESTIMATED COSTS *(Include calculations and assumptions in the rulemaking file).*

1. What are the total statewide costs that businesses and vendors may incur to comply with this regulation over its lifetime? \$
 - a. Initial costs for a small business: Annual ongoing costs:
 - b. Initial costs for a typical business: Annual ongoing costs:
 - c. Initial costs for an individual: Annual ongoing costs:
 - d. Describe other economic costs that may occur:
2. If multiple industries are impacted, enter the share of total costs for each industry:
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements (include the dollar amounts to do record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted).
4. Will this regulation directly impact housing costs? ☐ Yes ☐ No If yes, enter the annual dollar cost per housing unit \$_____ and the number of units:_____.
5. Are there comparable Federal regulations? ☐ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations:

C. ESTIMATED BENEFITS *(Include calculations and assumptions in the rulemaking file)*

1. Briefly summarize the benefits that may result from this regulation and who will benefit:
2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority? Explain:
3. What are the total statewide benefits from this regulation over its lifetime?

D. ALTERNATIVES TO THE REGULATION *(Include calculations and assumptions in the rulemaking file).*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not.
2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation:	Benefit:	Cost
Alternative 1:	Benefit:	Cost
Alternative 2:	Benefit:	Cost

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives:
4. Rulemaking law requires agencies to consider performance standards as an alternative if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs?
☐ Yes ☐ No

Explain:

MAJOR REGULATIONS *(Include calculations and assumptions in the rulemaking file)*

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ Yes ☐ No (If no, skip the rest of this section)
2. Briefly describe each equally as effective alternatives, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1:

Alternative 2:

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: \$_____	Cost-effectiveness ratio:
Alternative 1: \$_____	Cost-effectiveness ratio:
Alternative 2: \$_____	Cost-effectiveness ratio:

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *(Indicate appropriate boxes 1. through 6. and attach calculations and assumptions of fiscal impact for the current year and two subsequent years.)*

☐ 1. Additional expenditures of approximately \$_____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:

☐ a. is provided in (Item_____ Budget Act of____) or (Chapter____, Statutes of _____)

☐ b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____.

☐ 2. Additional expenditures of approximately \$_____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:

☐ a. implements the Federal mandate contained in_____.

☐ b. implements the court mandate set forth by the
court in the case of_____ vs._____.

☐ c. implements a mandate of the people of this State expressed in their approval of
Proposition No _____ at the _____ election.

☐ d. is issued only in response to a specific request from the _____ which is/are the
only local entity(s) affected.

☐ e. will be fully financed from the _____ authorized by Section _____ of the
Code.

☐ f. provides for savings to each affected unit of local government which will, at a
minimum, offset any additional costs to each such unit.

☐ 3. Savings of approximately \$_____ annually.

☒ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.

☐ 5. No fiscal impact exists because this regulation does not affect any local entity or program.


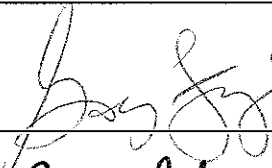
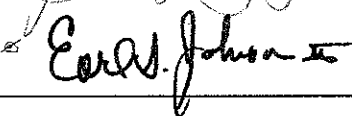


☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent fiscal years)*

- ☐ 1. Additional expenditures of approximately \$_____ in the current State Fiscal Year. It is anticipated that State agencies will:
- ☐ a. be able to absorb these additional costs within their existing budgets and resources.
- ☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.
- ☐ 2. Savings of approximately \$_____ in the current State Fiscal Year.
- ☐ 3. No fiscal impact exists because this regulation does not affect any State agency or program.
- ☒ 4. Other. No additional costs or savings because this regulation makes only technical, nonsubstantive or clarifying changes to current law and regulations.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent years.)*

- ☐ 1. Additional expenditures of approximately \$_____ in the current State Fiscal Year.
- ☐ 2. Savings of approximately \$_____ in the current State Fiscal Year.
- ☐ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.
- ☒ 4. Other. No additional costs or savings because this regulation makes only technical, nonsubstantive or clarifying changes to current law and regulations.

SIGNATURE  Gary Fujii	 6/17/02	TITLE Chief, Financial Planning Section
AGENCY SECRETARY¹ APPROVAL/CONCURRENCE		DATE 7/15/02 Assoc. Secretary 
DEPARTMENT OF FINANCE² APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER 	DATE

1. The signature attests that the agency has completed the STD 399 according to the instructions in SAM sections 6600-6680, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.
2. Finance approval and signature is required when SAM sections 6050-6057 require completion of the Fiscal Impact Statement in the STD 399. However, Finance must immediately receive a copy of each STD 399 submitted to OAL without Finance signature and Finance may subsequently question the "no fiscal impact" finding of a state agency.